

condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,500, in conformity with section 10 of the act, conditioned in part that it be made into cocoa butter and that proof of the proper disposition of the product be submitted to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11758. Adulteration and misbranding of corn sirup apple jelly. U. S. v. 278 30-Pound Pails and 267 50-Pound Pails of Corn Sirup Apple Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17489, 17490, 17491, 17492, 17493, 17494, 17495. I. S. No. 8372-v. S. No. W-1377.)**

On May 3, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 11, 1923, an amended libel, praying the seizure and condemnation of 278 30-pound pails and 267 50-pound pails of corn sirup apple jelly, remaining in the original unbroken packages, in part at Seattle and in part at Tacoma, Wash., alleging that the article had been shipped by the Corn Products Refining Co., from Kansas City, Mo., February 13, 1923, and transported from the State of Missouri into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Pail) "Sanitary Lined Pail Rex Reg. U. S. Pat. Off. Corn Syrup Apple Jelly Made With Approximately 75% Corn Syrup And 25% Juice From Apple Parings. Contains Added Phosphoric Acid And Certified Color. \* \* \* Manufactured By Corn Products Refining Co. General Offices New York, U. S. A."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that artificially colored and acidified corn sirup pectin jelly had been substituted wholly or in part for corn sirup apple jelly containing added phosphoric acid and color.

Misbranding was alleged for the reason that the statement appearing on the pails containing the article, "Corn Syrup Apple Jelly," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1923, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled under the supervision of this department

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11759. Adulteration and misbranding of butter. U. S. v. 80 Cases and 53 Boxes of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17576, 17595. I. S. Nos. 8014-v, 8015-v. S. Nos. W-1390, W-1391.)**

On June 26 and 30, 1923, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 80 cases and 53 boxes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Fergus County Creamery, Inc., Lewistown, Mont., alleging that the article had been shipped from Lewistown, Mont., on or about June 4, 1923, and transported from the State of Montana into the State of California, and charging adulteration and misbranding with respect to a portion thereof and adulteration with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "From Fergus County Creamery." The remainder of the said article was labeled in part: "From Lewistown Creamery Co., Lewistown, Montana."

Adulteration of the article was alleged in substance in the libels for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for